IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (PIL) NO. 3 OF 2007

Keval Dhone ...Petitioner

Versus

St. Thomas English School and others ...Respondents

Ms. Sheetal Kumar, instructed by M/s. Milan Bhise & Co., for the petitioner.

Mr. Nelson Rajan for respondent Nos. 1 and 2.

Ms. Shobha Ajitkumar for respondent No.3.

Mr. V.M. Phal, Assistant Government Pleader,for respondent Nos. 4 and 5.

Mrs. Deepa Chavan, instructed by M/s. Little & Co., for respondent No.6.

CORAM: **H.L. GOKHALE, Ag. C.J.,** & **V.M. KANADE, J.**

DATE: **FEBRUARY 14, 2007**.

P.C.

Heard Ms. Sheetal Kumar in support of this petition. The petitioner, who is father of a child by name Vikrant Dhone, is present in Court. Mr. Nelson Rajan appears for respondent Nos. 1 and 2. Respondent No.1 is the School of which respondent No.2 is the Principal. Respondent No.2 is present in Court. Ms. Shobha Ajitkumar

appears for respondent No.3-Municipal Corporation and Dr. Karande from the Neurology Department is present. Mr. Phal, Assistant Governmet Pleader, appears for respondent Nos. 4 and 5. Mrs. Deepa Chavan appears for respondent No.6.

2. The petition is filed by pointing out that the petitioner's son Vikrant Dhone suffers from learning disabilities. It is stated that he suffers a problem particularly in the expression of languages. The petitioner relies upon certain tests which were conducted by the Jaslok Hospital in support. As against this submission of the petitioner, as far as school authorities are concerned, in their view the petitioner's son is a normal child. Only thing is that he is an average student. According to respondent Nos. 1 and 2, there is nothing wrong with the child. However, they have no objection if the child is examined by the authorities of the Neurology Department of the Municipal Corporation.

3. In view of this statement on behalf of the school authorities, we request the Medical Officers of the Municipal Corporation to conduct the necessary test on the child and to arrive at their own conclusion as to whether the child suffers from any learning disability particularly with respect to picking up languages. The second respondent, Principal of

the School, has assured that the teachers of Marathi, Hindi and English will remain present when the test is conducted. The parents of the child will also have to remain present. It is agreed amongst all of them as also amongst the Officers of the Municipal Cororation that all concerned will attend the Neurology Department of the Municipal Corporation in the Lokmanya Tilak Municipal General Hospital at Sion on Tuesday, 20th February, 2007 at 10.00 a.m. Ms. Sheetal Kumar makes a statement that the decision of the municipal authorities will be accepted by the petitioner. It will be open to the municipal doctors to call the child on any subsequent date and if so called, the petitioner along with the child will remain present. The Municipal doctor will give his report on or before 27th February, 2007. The report will be given to the school authorities with a copy to the petitioner and the school authorities are expected to forward the report to the S.S.C. Board immediately. In the event the doctor certifies that the child suffers from a particular problem with certain kind of difficulties, the S.S.C. Board will give the concessions which are available to such students as per the Rules. In the event the report records that the child does not suffer from any such disability, the child will have to give the examination like all other normal students. The petition is acordingly disposed of.

ACTING CHIEF JUSTICE

V.M. KANADE, J.